

STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

FRED T. TENUTA, D.D.S.,
RESPONDENT.

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FINAL DECISION AND ORDER
ORDER 0000005

[Division of Enforcement Case # 09 DEN 61]

The parties to this action for the purposes of Wis. Stat. § 227.53 are:

Fred T. Tenuta, D.D.S.
7533 22nd Avenue, Suite 103
Kenosha, WI 53143

Division of Enforcement
Department of Regulation and Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

Wisconsin Dentistry Examining Board
Department of Regulation & Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

PROCEDURAL HISTORY

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Dentistry Examining Board. The Board has reviewed the attached Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Fred T. Tenuta, D.D.S., (DOB June 13, 1954) is duly licensed as a dentist in the state of Wisconsin (license # 2746). This license was first granted on June 19, 1981, and expired on September 30, 2009.

2. Respondent's most recent address on file with the Wisconsin Dentistry Examining Board is 7533 22nd Ave., Ste 103, Kenosha, Wisconsin 53143.

3. At all times relevant to this action, Respondent was working as a dentist at his dental clinic located in Kenosha, Wisconsin.

4. From July 7, 2008 thru March 9, 2009, Respondent prescribed approximately 120 tablets of Vicodin, 1,120 tablets of Vicodin ES, 420 capsules of Amoxicillin (an antibiotic), and 120 capsules of Clindamycin 150 mg (an antibiotic) to patient KM. Respondent continued to prescribe narcotics to treat patient KM's pain, even though Respondent had referred patient KM to an oral surgeon for extraction of teeth (7/9/2008 teeth # 1, 3, 16, 17, 19, 21, and 32. 11/14/2008 tooth # 16), patient KM repeatedly canceled and rescheduled appointments with the oral surgeon, which delayed the extraction of the teeth that were causing the pain, and almost all of the requests that patient KM made for refills were made via telephone, without Respondent seeing and examining the patient prior to issuing the prescriptions. Respondent did not discontinue the prescriptions and allow the oral surgeon to provide prescriptions for pain medications, when the oral surgeon would have been in a better position to evaluate patient KM's pain.

5. From November 3, 2006 thru July 10, 2009, Respondent prescribed approximately 480 tablets of Percocet, 140 tablets of Percocet 5/325, 650 tablets of Percocet 10/650, 1,010 tablets of Vicodin ES, 1,720 tablets of Vicodin 10/325, 460 tablets of Ibuprofen 800 mg, and 690 capsules of Clindamycin 150mg (an antibiotic) to patient JN. Respondent continued to prescribe narcotics to treat patient JN's pain, even though Respondent routinely referred patient JN to an oral surgeon for extraction of teeth (11/3/2006 teeth # 19 and 31. 1/26/2007 teeth # 3, 19, 20, and 31. 1/21/2008 teeth # 2 and 31. 9/24/2008 teeth # 12, 20, and 22.), patient JN repeatedly canceled and rescheduled the appointments with the oral surgeon, which delayed the extraction of the teeth that were causing the pain, and almost all the requests that patient JN made for refills were made via telephone, without Respondent seeing and examining the patient prior to issuing the prescriptions. Respondent did not discontinue the prescriptions and allow the oral surgeon to provide prescriptions for pain medications, when the oral surgeon would have been in a better position to evaluate patient JN's pain.

6. On October 8, 2009, Respondent surrendered his DEA registration.

CONCLUSIONS OF LAW

1. The Wisconsin Dentistry Examining Board has jurisdiction to act in this matter, pursuant to Wis. Stat. § 447.07(3), and is authorized to enter into the attached Stipulation and Order, pursuant to Wis. Stat. § 227.44(5).

2. The conduct described in paragraphs 4, and 5, above, constitutes a violation of Wis. Admin. Code § DE 5.02(5).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The license of Fred T. Tenuta, D.D.S., to practice dentistry in the State of Wisconsin is hereby REVOKED.

2. Respondent shall, within ninety (90) days from the date of this Order, pay COSTS of this proceeding in the amount of Five Hundred (\$500.00) dollars. Payment shall be made payable to the Wisconsin Department of Regulation and Licensing, and mailed to:

Department Monitor
Division of Enforcement
Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53708-8935
Telephone (608) 267-3817
Fax (608) 266-2264

3. This Order is effective on the date of its signing.

Wisconsin Dentistry Examining Board

By: Jan R. Barbera, D.D.S.
A Member of the Board

1/6/10
Date